

represents the “bottleneck” problem that has been extensively discussed in earlier prosecution. This problem arises because in the Kubatzki et al. reference, data, such as rate table data, arriving from a data center must proceed through the postage meter in order to be loaded into the scale, because it is the postage meter that routes the incoming data to the scale. This necessitates the postage meter exiting its normal franking routine in order to enter into a data routing or data downloading routine.

This problem is overcome in the arrangement disclosed and claimed in the present application by providing a switchover module connected between the postage meter, the scale and a modem, the switchover module having a control line that sets a switching state of the switchover module to selectively serially conduct data downloading of rate table data directly from the external source of the rate table data to the postage calculator *exclusively* via the modem and the switchover module. As stated by Applicant’s representative at the interview conducted on October 26, 2004, and repeated in the response filed thereafter on November 6, 2004, the word “exclusively” in the claims is intended to mean that the data are downloaded without any involvement of the postage meter. There is thus no need for the postage meter to exit its franking routine and thus the aforementioned “bottleneck” problem is avoided.

As also discussed extensively in Applicant’s previous response, the Aas reference relied upon by the Examiner is not a serial device, but is a parallel switching device. Moreover, the switching device disclosed in the Aas reference is *intentionally designed* to be a parallel-operating device, rather than a serial device, because of the functions it is intended to perform. In the Aas reference, a peripheral

device “decides” whether to disconnect another peripheral device therefrom, in order to communicate with a host. Once this disconnect decision is made, a control signal supplied to the parallel port effects the disconnection. By contrast, in the subject matter disclosed and claimed in the present application, a serial port is operated by a control line that causes another device to be disconnected *from the host* (i.e., from the data center). In the subject matter of the present application, therefore, when the switchover module is operated by the control line, both peripheral devices (the postage calculating scale and the modem) are connected, and the host (the meter) is disconnected, as shown in Figure 5a. In the other switching state shown in Figure 5b, normal operation proceeds with the modem, the meter and the postage calculating scale all being connected.

As argued in Applicant’s previous response, a person of ordinary skill in the field of postage meter system design would immediately recognize that the Aas device is a parallel port, and is intentionally designed and operated in a parallel manner. The Aas device, therefore, cannot operate in the manner disclosed and claimed in the present application and, more importantly, provides no suggestion whatsoever as to how the aforementioned “bottleneck” problem can be alleviated.

The Examiner has now additionally relied on the Simionescu et al. reference, but it is not clear how the Examiner considers the teachings of that reference to be relevant either to Kubatzki et al. or Aas. It is true that the Simionescu et al. reference is but one example among hundreds of thousands of examples of a serially-operating device. Since the Examiner is still relying on the Aas parallel port, however, it is not clear whether the Examiner is relying on the Simionescu et al. reference as providing a teaching or motivation to “convert” the parallel port of Aas

into a serially-operating device, or whether the Examiner expects that a person of ordinary skill in the relevant technology would simply ignore the fact that Aas is a parallel device and Simionescu et al. is a serial device.

Moreover, the Simionescu et al. reference, although a serially-operating device, provides no teaching or motivation to construct a switchover module as set forth in the claims, which alleviates the aforementioned “bottleneck” problem. In column 15 of Simionescu et al., cited by the Examiner, there is a discussion of how a so-called emulator microprocessor card can be connected between a main microprocessor and an I/O port. As discussed in the Simionescu et al. reference, this is for the purpose of allowing testing to be undertaken, via the emulator microprocessor, without significantly affecting the normal operation of the microprocessor itself. For this purpose, software and hardware in the main microprocessor are bypassed, however, this is explicitly stated to be accomplished in Simionescu et al. by using bypass software that is downloaded into a memory 1202 prior to testing (col. 19, l.25-29). Therefore, in the Simionescu et al. reference, to the extent that the concept of bypassing is employed, it is done by software, rather than by physically switching a switchover module, as disclosed and claimed in the present application. More importantly, however, the bypassing that takes place in the Simionescu et al. reference has nothing whatsoever to do with downloading of data from an external source. As can clearly be seen in Figure 12 of Simionescu et al., the emulator microprocessor is connected between the main microprocessor and the I/O port, and therefore it is physically incapable, by software or otherwise, of alleviating the aforementioned “bottleneck” problem.

The Examiner also made a passing reference to the teachings of the Gil reference, noting that this reference teaches the combination of an electronic postage computing scale and a postage meter that can be electronically activated. Applicant agrees that the Gil reference provides such a teaching, however, this is not seen to be helpful or even relevant for a person of ordinary skill seeking to solve the aforementioned "bottleneck" problem.

From the above discussion, it should be clear that even if the references cited by the Examiner were combined, they provide no solution whatsoever to the aforementioned "bottleneck" problem, and are incapable of operating in the manner set forth in claim 1 of the present application.

Equally as importantly, Applicant submits that a person of ordinary skill in the field of postage meter system design would find no teaching, guidance, motivation or inducement in any of those references to combine them in a manner that would allegedly correspond to the subject matter of claim 1. The Examiner stated at the top of page 4 that the Simionescu et al. reference discloses serial communications, modem capability and downloading data to bypass a bottleneck feature, however, as noted above the alleged "bottleneck" issue disclosed in Simionescu et al. (if it even is one) has nothing whatsoever to do with downloading data, but is merely to allow testing of a microprocessor without discontinuing normal use of that microprocessor. The Examiner cannot use the present Applicant's own recognition of a problem, which recognition is found only in the present disclosure and nowhere else in the art, against the Applicant as an alleged motivation of combining teachings in the art.

Moreover, the Examiner has not provided any concrete information as to how, or why, a person of ordinary skill in the field of postage meter system design would combine a parallel operating device as disclosed in Aas with serially-operating system as described in Simionescu et al. Applicant therefore respectfully submits the Examiner has failed to establish a *prima facie* case of obviousness, either factually or conceptually.

Claims 1-4, 6-12 and 14, therefore, would not have been obvious to a person of ordinary skill in the field of postage meter system design under the provisions of 35 U.S.C. §103(a) based on the teachings of Kubatzki et al., Aas and Simionescu et al.

Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over the above combination, further in view of Rothstein. Claim 13 was rejected under 35 U.S.C. §103(a) as being unpatentable over the original combination, further in view of Ezzet et al. Applicant does not believe it is necessary to address the specific teachings of the individual Rothstein and Ezzet et al. references, because for the reasons discussed above, the Kubatzki et al./ Aas/ Simionescu et al. combination does not disclose or suggest the subject matter of independent claim 1, from which claims 5 and 13 depend. Therefore, even if that original combination were modified in accordance with the teachings of either Rothstein or Ezzet et al., the subject matter of claims 5 and 13 still would not result.

All claims of the application are therefore submitted to be in condition for allowance, and early reconsideration of the application is respectfully requested.

Submitted by,

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